



EB-2009-0143

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF an application by Essex Powerlines Corporation for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2010.

PROCEDURAL ORDER No. 1

Essex Powerlines Corporation (“Essex”) filed an application with the Ontario Energy Board (the “Board”) on September 28, 2009 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that Essex charges for electricity distribution, to be effective May 1, 2010. The Board has assigned the File Number EB-2009-0143 to this application.

The Board issued a Notice of Application and Hearing on October 21, 2009. The Town of Amherstburg, Town of LaSalle, Municipality of Leamington, and Town of Tecumseh (“Representatives of the Streetlight Class”) applied for intervenor status and cost eligibility. In addition to the Representatives of the Streetlight Class, the Energy Probe Research Foundation (“Energy Probe”), the School Energy Coalition (“SEC”), and the Vulnerable Energy Consumers Coalition (“VECC”) also applied for intervenor status and cost eligibility. EnWin Utilities Ltd. (“EnWin”) applied for observer status. No objections were received.

The Board has determined that the Representatives of the Streetlight Class, Energy Probe, SEC and VECC are granted intervenor status and EnWin is granted observer status. A list of intervenors in this proceeding is attached as Appendix A to this Order.

The Board has also determined that Energy Probe, SEC, and VECC are eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*. However, the Board has determined that the Representatives of the Streetlight Class, as effective owners of an electricity distributor that is an applicant in this proceeding, is not eligible for cost awards.

At this time the Board intends to proceed with its review of this application by way of a written hearing. The Notice of Application indicated that the Board may provide for an oral component. This may be in the form of a technical conference or an oral hearing.

The Board has decided to make provision at this time for written interrogatories. After its review of the responses, the Board will determine the next steps including whether provision should be made for additional interrogatories, a technical conference, or a settlement conference, after which the Board will determine whether to conduct an oral hearing or to make provision for written final submissions.

This Procedural Order addresses the first round of interrogatories process. Please note that this Procedural Order may be amended, and further procedural orders may be issued from time to time.

THE BOARD ORDERS THAT:

1. Board staff shall request information and material from Essex that is in addition to Essex's pre-filed evidence with the Board, and that is relevant to the hearing, by written interrogatories filed with the Board and delivered to Essex and all intervenors on or before **November 25, 2009**. Where possible, the questions should specifically reference the pre-filed evidence.
2. Intervenors who wish information and material from Essex that is in addition to Essex's pre-filed evidence with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to Essex on or before **November 27, 2009**. Where possible, the questions should specifically reference the pre-filed evidence.
3. Essex shall file with the Board complete responses to all interrogatories and deliver them to the intervenors no later than **December 14, 2009**.

All filings to the Board must quote the file number, EB-2009-0143, be made through the Board's web portal at www.errr.oeb.gov.on.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available you may email your document to the address below. Those who do not have internet access are required to submit all filings on a CD or diskette in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

E-mail: Boardsec@oeb.gov.on.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

DATED at Toronto, November 17, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix "A"

To Procedural Order No. 1

EB-2009-0143

Essex Powerlines Corporation

November 17, 2009

**Essex Powerlines Corporation
EB-2009-0143**

APPLICANT & LIST OF INTERVENORS

November 17, 2009

APPLICANT

Rep. and Address for Service

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INTERVENORS

Energy Probe

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**Essex Powerlines Corporation
EB-2009-0143**

APPLICANT & LIST OF INTERVENORS

November 17, 2009

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Coalition (VECC) Michael Buonaguro**

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